



State of Tennessee Department of Children's Services

Administrative Policies and Procedures: 4.18

Subject: Grievance Procedure For Americans With Disabilities Act

Supersedes: DYD 3.33, 05/15/93

Local Policy: No

Local Procedures: No

Training Required: No

Approved by:

Effective date: 01/01/98

Revision date:

Application

To All Department of Children's Services Employees, Students, Volunteers, and Visitors.

Authority: TCA 37-5-106; ADA Title II; State Department of Personnel Rules and Regulations 1120-11.01 - .09

Policy

The State of Tennessee and the Department of Children's Services have adopted an internal grievance procedure providing for prompt and equitable resolution of complaints alleging any action prohibited by the U.S. Department of Justice regulations implementing Title II of the Americans With Disabilities Act (ADA). Title II states, in part, that "no otherwise qualified disabled individual shall, solely by reason of such disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination" in programs or activities sponsored by a public entity.

Procedures

- A. Filing a complaint**
1. A complaint should be filed in writing or verbally, containing the name and address of the person filing it and briefly describing the alleged violation of the regulations.
 2. A complaint should be filed within thirty (30) calendar days after the complainant becomes aware of the alleged violation.

3. Complaints should be addressed to the ADA Compliance Coordinator, Department of Children's Services, Office of Commissioner, 7th Floor Cordell Hull Building, Nashville, Tennessee 37243-1290.

B. Investigation of a complaint

1. Following the filing of a complaint, an investigation must be conducted by the Department of Children's Services ADA Coordinator/Designee. The investigation may be informal but thorough affording all interested persons and their representatives, if any, an opportunity to submit evidence relevant to a complaint.
2. A written determination as to the validity of the complaint and a description of the resolution, if any, must be issued by the ADA Compliance Coordinator and a copy forwarded to the complainant no later than forty-five (45) calendar days after the filing of the complaint.
3. The ADA Coordinator maintains the files and records of the Department of Children's Services relative to any ADA complaints filed. ADA complaints files shall be maintained for two (2) years.

C. Appeal

The complainant can request a re-consideration of the case in instances where he or she is dissatisfied with the resolution. The request for re-consideration should be made within fifteen (15) calendar days to the **State ADA Coordinator, State Inter-agency ADA Committee, James K. Polk State Office Building, 505 Deaderick Street, Nashville, TN 37243.**

D. Rights under ADA

1. The right of a person to a prompt and equitable resolution of the complaint filed hereunder may not be impaired by the person's pursuit of other remedies such as the filing of an ADA complaint with the responsible federal department or agency. Use of this grievance procedure is not a pre-requisite to the pursuit of other remedies.
2. This policy protects the substantive rights of interested persons, to meet appropriate due process standards and to assure that the Department of Children's Services complies with the ADA and implementing regulations.

Forms

None

Collateral Documents

None

Standards

3-JTS-1C-07-2

3-JCRF-1C-03-1